

### **REMARKS**

Claims 1-13 were pending in the application. Claims have 1-5 been canceled as directed to a non-elected invention. Claims 6-13 have been amended. Accordingly, upon entry of this amendment, claims 6-13 will remain pending in this application.

Support for the amendments to the claims can be found throughout the specification and claims as originally filed. *No new matter has been added.*

### **Restriction Requirement**

Applicants hereby re-affirm the election of the claims of **Group IV** (claims 6-13), drawn to methods of screening for fungicidal reductoisomerase inhibitors, without traverse, as elected by Dr. Lisa Kole, Attorney for Applicants, during a telephone conference with the Examiner on March 29, 2006.

### **Claim Objections**

The Examiner has rejected claims 6-8, 10-11, and 13 because the term “reductoisomerase” is misspelled. The claims have been amended to correct the spelling. Accordingly, withdrawal of the objection is respectfully requested.

### **Objection to the Specification**

The Examiner has objected to the specification because trademarks should be capitalized and be accompanied by the generic terminology. The use of trademarks has been noted in this application at page 29, for example.

Applicants respectfully submit that the specification has been reviewed and amended and the trademarks contained therein are not presented in a manner that might adversely affect their validity as a trademark. Generic terminology has been introduced where available. In particular, the

Examiner has noted the terms GPST<sup>TM</sup> and pGPS<sub>3</sub> Hygro<sup>R</sup>, on, for example, page 29 of the specification. GPST<sup>TM</sup> is properly identified as a trademark in the specification. Plasmid pGPS<sub>3</sub> Hygro<sup>R</sup> is known in the art as a plasmid that carries a gene for resistance to kanamycin and to hygromycin (Hygro<sup>R</sup>). It is Applicants' understanding that the term is not a trademark and is not identified as such.

Accordingly, based on the foregoing, withdrawal of the objection is respectfully requested.

### **Drawings**

The Examiner has objected to Figure 1 under MPEP 2422.02 and 37 C.F.R. §1.821(d) because the sequences lack the proper sequence identification. In particular, the Examiner states that when a sequence is presented in a drawing, the sequence must still be included in the Sequence Listing and the sequence identifier ("SEQ ID NO:") must be used, either in the drawing or in the Brief Description of the Drawings.

Applicants respectfully submit that Figure 1 contains an alignment of the amino acid sequences of SEQ ID NO:1, SEQ ID NO:2, and SEQ ID NO:3. All of these sequences are included in the Sequence Listing. The description of Figure 1 has been amended to insert the appropriate sequence identifiers for each sequence. Accordingly, withdrawal of the objection is respectfully requested.

### **Rejections Under 35 U.S.C. §112, Second Paragraph**

The Examiner has rejected claims 6, 7, and 8-13 under 35 U.S.C. §112, second paragraph as allegedly indefinite for failing to set forth any steps involved in the method. In particular, the Examiner contends that the body of claims 6 and 7 do not support the method recited in the preamble and that by reciting "comprising identifying compounds," the Applicants are merely reciting a desired outcome. The Examiner suggests the method steps of claim 8 be incorporated into claim 6.

Applicants respectfully submit that claim 6 has been amended to recite the steps of contacting a ketol-acid reductoisomerase with a test compound under conditions required for ketol-acid reductoisomerase enzymatic activity and in the presence of a substrate, wherein the ketol-acid reductoisomerase comprises an amino acid sequence selected from the group consisting of SEQ ID NO:1, SEQ ID NO:2, and SEQ ID NO:3; and measuring the ketol-acid reductoisomerase enzymatic activity; wherein inhibition of ketol-acid reductoisomerase activity by the test compound indicates that the test compound is a fungicidal compound. Therefore, Applicants respectfully submit that the claims recite the proper method steps. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

**Rejection Under 35 U.S.C. §101**

The Examiner has also rejected claims 6 and 7 under 35 U.S.C. §101. The Examiner contends that because the claimed methods lack active steps, the claim is not a proper process claim.

Applicants respectfully submit that the claims contain proper active steps and therefore recite a proper process under 35 U.S.C. §101. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

**CONCLUSION**

In view of the above remarks, it is believed the pending application is in condition for allowance.

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Respectfully submitted,

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